

Appeal Decision

Site visit made on 15 May 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 June 2017

Appeal Ref: APP/L3625/W/17/3166624
53 Nork Way, Banstead SM7 1HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs K Mann against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/01480/F, dated 22 June 2016, was refused by notice dated 23 September 2016.
 - The development proposed is erection of a detached house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has advised that, following receipt of an arboricultural report, it no longer wishes to defend the second refusal reason in relation to the effect of the proposal on protected trees. Furthermore, it has taken the decision not to pursue a contribution towards affordable housing. I have proceeded on this basis.
3. During my visit, and at the prior written request of the relevant parties, I inspected the appeal site from the rear garden of 55 Nork Way and the forecourt of the commercial premises operated by Nork Motor Engineering.

Main Issue

4. Having regard to the above, the main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises part of the rear garden belonging to 53 Nork Way. This property has the outward appearance of a single large house but I am told that it has been subdivided internally into two separate units. The building falls within a row of detached residential properties stretching between a parade of shops and businesses on Nork Way and the junction with Warren Road. A tarmacked lane runs alongside the side boundary of the site. This leads to Nork Gardens, a cul-de-sac containing a mix of bungalows and houses and also commercial premises occupied by a motor engineering firm.
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6. The site has previously been the subject of a dismissed appeal which related to an application for a detached bungalow¹. I concur with the view of the Inspector in that case that the land is seen mainly in the context of residential property in Nork Way, as far as Warren Road. The proposal would truncate the garden to No 53, leaving that property with a comparatively small area of amenity space. This would be out of keeping with the pattern of development in Nork Way which is characterised by detached dwellings with deep back gardens.
7. The proposed dwelling would face towards Nork Gardens but, unlike with the earlier scheme, it would not have any direct connection with it. Instead, vehicular access would be achieved from Nork Way along a new driveway created from the demolition of the garage attached to No 53. This would create a form of backland development, something which is not typical of the area.
8. Moreover, the constrained plot size means that the dwelling would be uncharacteristically close to the rear (south-west) boundary of the plot. The large areas of hard surfacing to the front of the building and retained trees around the edges of the site would further restrict the amount of usable garden space. This would contribute towards a cramped appearance, which would be in stark contrast to the more spacious feel of Nork Way.
9. The protected trees on the site boundaries with Nork Gardens would be retained as part of the proposal and would help to screen the development from certain angles. However, the new dwelling would be significantly more exposed when the trees are not in leaf. With no active frontage onto Nork Gardens and an architectural style that lacks affinity with surrounding buildings, the property would stand out as an isolated and discordant feature in the local area.
10. Accordingly, I conclude that the proposal would cause material harm to the character and appearance of the area. It would therefore conflict with saved Policies Ho9 and Ho13 of the Reigate and Banstead Borough Local Plan 2005. These policies are consistent with the National Planning Policy Framework in seeking to ensure that developments respond to local character, and reflect the identity of their surroundings. Although cited in the decision, it seems to me that Policy Ho16 is not relevant in this case.

Other Matters

11. It is argued that the planning circumstances have changed since the last appeal, most notably through the construction of a terrace of houses in Nork Gardens. These new homes were built on previously developed land at the rear of commercial premises on Nork Way. The current appeal proposal involves residential garden land and is therefore not directly comparable.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should fail.

Robert Parker

INSPECTOR

¹ APP/L3625/A/01/1078203